

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

CHRISTOPHER MALDONADO,	:	
Plaintiff,	:	
	:	
v.	:	CIVIL ACTION NO. 23-CV-4446
	:	
SGT. JODI WENDLING, <i>et al.</i>,	:	
Defendants.	:	

ORDER

AND NOW, this 11th day of February, 2025, upon consideration of: (1) Defendants Lancaster County Prison, Warden Cheryl Steberger, Sergeant Jodi Wendling, and Sergeant Byron Germer’s Motion to Dismiss Plaintiff’s Second Amended Complaint (“SAC”) (ECF No. 38); (2) Plaintiff Christopher Maldonado’s response in opposition (ECF No. 49); and (3) Defendants’ reply thereto (ECF No. 54), as well as (4) Maldonado’s Third Amended Complaint (“TAC”) (ECF No. 51), (5) Defendants’ motion to strike the TAC (ECF No. 55), and Maldonado’s motion for leave to proceed *in forma pauperis* (ECF No. 53), it is **ORDERED** that:

1. Defendants’ motion to strike the TAC (ECF No. 55) is **GRANTED**. The Clerk of Court is **DIRECTED** to **STRIKE** the TAC (ECF No. 51) as unauthorized.

2. The motion to proceed *in forma pauperis* (ECF No. 53) is **DENIED AS MOOT** because Maldonado already has been granted *in forma pauperis* status.

3. The Clerk of Court is **DIRECTED** to **TERMINATE** the motion at ECF No. 49 as this filing is not properly a motion.

4. For the reasons stated in the Memorandum, Defendants’ motion to dismiss the SAC (ECF No. 38) is **GRANTED IN PART** and **DENIED IN PART** as follows:

- a. The motion to dismiss is denied with respect to the failure to protect claim against Defendants Wendling and Germer.
- b. The motion to dismiss is granted as to the Fourteenth Amendment claim pertaining to the assignment of HABA status, the First Amendment retaliation claim, any claim against Lancaster County Prison, and any official capacity claims. Such claims are **DISMISSED WITH PREJUDICE**.

5. Defendants Wendling and Germer shall file a responsive pleading to the failure to protect claim in accordance with Federal Rule of Civil Procedure 12(a)(4).

6. The Clerk of Court is **DIRECTED** to **TERMINATE** Lancaster County Prison and Warden Cherl Steberger as Defendants.

BY THE COURT:

/s/ Mitchell S. Goldberg

MITCHELL S. GOLDBERG, J.